

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

C.W.P. No.8650 of 2007
Date of Decision: 29.5.2007

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Harish Vs. Financial Commissioner, Haryana and Ors.

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Present : Mr.Ashwani Gaur, Advocate for the petitioner.
Mr.Bijender Dhankar, Advocate for the Caveator-respondent
no.4.

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CORAM : HON'BLE MR.JUSTICE P. SATHASIVAM
HON'BLE MR.JUSTICE RAJIVE BHALLA

1. Whether Reporters of Local Newspapers may be allowed to see the judgement ?
2. To be referred to the Reporters or not ?
3. Whether the judgement should be reported in the Digest ?

RAJIVE BHALLA, J

Challenge in the present petition is to the order dated 8.12.2006 passed by the Commissioner, Rohtak Division, Rohtak and the order dated 13.4.2007 passed by the Financial Commissioner.

Vide order dated 19.1.2005, the petitioner was appointed as a Lambardar. Respondent no.4, filed an appeal before the Commissioner. Vide order dated 8.12.2006, the appeal was accepted and the matter was remitted to the Collector for a fresh decision. A revision filed by the petitioner before the Financial Commissioner was dismissed, vide order dated 13.4.2007.

Counsel for the petitioner contends that the Commissioner erred while setting aside the well reasoned order passed by the Collector. It

is contended that no cogent reasons have been recorded by the Financial Commissioner, while affirming the order passed by the Commissioner. It is, therefore, prayed that the said orders be set aside and the petitioner's appointment be upheld. Counsel for respondent no.4, contends that the impugned orders do not call for any interference and as the matter has been remanded for fresh consideration, the present petition be dismissed.

We have heard learned counsel for the parties and perused the impugned orders.

We find no reason to interfere with the impugned orders. Even otherwise, the matter has been remanded to the Collector for adjudication afresh, in accordance with the directions issued by the Commissioner and affirmed by the Financial Commissioner. The directions issued, do not call for any interference.

Consequently, the present petition is dismissed. However, the Collector shall decide the present controversy within 8 weeks' from the date of receipt of a certified copy of this order. Till then, the petitioner shall continue to function as Lambardar. With the aforementioned observations, the present petition stands disposed of.

(RAJIVE BHALLA)
JUDGE

29.5.2007
GS

(P. SATHASIVAM)
JUDGE